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Counsel to Bradley D. Sharp, Chapter 11 Trustee

UNITED STATES BANKRUPTCY COURT
CENTRAL DISTRICT OF CALIFORNIA
LOS ANGELES DIVISION

In re:

LESLIE KLEIN,

Debtor.

Case No.: 2:23-bk-10990-SK

Chapter 11

**STIPULATION REGARDING MOTION
OF CHAPTER 11 TRUSTEE, FOR
ORDER AUTHORIZING THE
EXAMINATION OF LIFE CAPITAL
GROUP, LLC AND ITS SUBSIDIARIES
AND AFFILIATES PURSUANT TO FED.
R. BANKR. P. 2004**

**[Relates to Docket Nos. 468, 482, 523 and
555]**

[No Hearing Required]

Bradley D. Sharp (the “Trustee”), the duly appointed trustee for the chapter 11 estate of Leslie Klein (the “Debtor”), and Life Capital Group, LLC (“Life Capital,” and together with the Trustee, the “Parties”), by and through their respective attorneys, agree and stipulate to the following:

RECITALS

A. The Debtor commenced a voluntary chapter 11 case on February 22, 2023 (the “Bankruptcy Case”).

B. On March 10, 2023, the Office of the United States Trustee (the “UST”) filed a statement regarding the Debtor’s failure to comply with various requirements under the Bankruptcy

1 Code, Bankruptcy Rules, and certain notices and guidelines promulgated by the UST. [Docket No.
2 42].

3 C. On May 23, 2023, the UST filed a notice appointing the Trustee as the chapter 11
4 trustee of the Debtor's chapter 11 case. [Docket No. 151]. On May 24, 2023, the UST filed an
5 application for an order approving the appointment of Mr. Sharp as the Trustee. [Docket No. 154]. On
6 May 24, 2023, the Court entered an order approving the appointment of Mr. Sharp as the Trustee.
7 [Docket No. 155]. On May 24, 2023, Mr. Sharp accepted his appointment as Trustee. [Docket No.
8 156].

9 D. On November 1, 2023, the Trustee filed the *Motion of Chapter 11 Trustee, for Order*
10 *Authorizing the Examination of Life Capital Group, LLC and its Subsidiaries and Affiliates Pursuant*
11 *to Fed. R. Bankr. P. 2004; Memorandum of Points and Authorities; Declarations of Bradley D. Sharp,*
12 *Nicholas R. Troszak and Jeffrey P. Nolan In Support Thereof* (the "Rule 2004 Motion"). [Docket No.
13 468]. The Rule 2004 Motion requests entry of an order authorizing the Trustee to issue a subpoena to
14 Life Capital.

15 E. The subpoena that is the subject of the Rule 2004 Motion seeks Life Capital's
16 production of financial records, operating agreements, life insurance policies, accountings, and other
17 records and to answer written questions on deposition.

18 F. On November 15, 2023, Life Capital filed the *Third-Party Life Capital Group, LLC's*
19 *Limited Opposition and Request for Hearing on Chapter 11 Trustee's Motion for Order Authorizing*
20 *2004 Examination to Life Capital Group, LLC [468]; Declaration of Ron Bender*. [Docket No. 482]
21 (the "Objection").

22 G. On December 4, 2023, Life Capital served upon the Trustee, and on December 13, 2023
23 filed with the Court, *Life Capital Group, LLC's Supplemental Responses to Chapter 11 Trustee's Rule*
24 *2004 Examination Subpoena for Production of Documents* [Docket No. 523] (the "Supplemental
25 Objection").

26 H. On January 3, 2024, the Trustee filed a reply [Docket No. 555] (the "Reply") to the
27 Objection and Supplemental objection.
28

I. On January 10, 2024, the Court held a hearing on the Rule 2004 Motion. At the hearing, the parties agreed to meet and confer regarding the Rule 2004 Motion, Objection, Supplemental Objection, and the Reply in an attempt to resolve or narrow the remaining disputes.

J. The Parties met and conferred regarding the Rule 2004 Motion, Objection, Supplemental Objection, and Reply and Life Capital has agreed to produce documents as set forth herein with a full reservation of rights with respect to any further productions and any defenses thereto.

NOW THEREFORE, the Parties stipulate as follows:

STIPULATION

A. General Provisions

1. Subject to the Court's approval, the Parties agree to continue the Rule 2004 Motion to February 14, 2024 at 9:00 a.m.

2. If after the production of documents set forth below the Parties are not able to resolve any further disputes regarding the Rule 2004 Motion, the Parties will file a stipulation with the Court by 4:00 p.m. on February 7, 2024 that outlines for the Court either (a) any remaining disputed issues that require adjudication by the Court or (b) that the disputes have been resolved and hearing on the Rule 2004 Motion can be removed from the Court's calendar.

3. Upon entry of an order approving this Stipulation and a court-approved stipulated protective order to be submitted by the parties separately, Life Capital will use its best efforts to conduct a reasonable search and produce Documents (as defined in the Rule 2004 Motion) that respond to Request Nos. 1 through 25 set forth in the Rule 2004 Motion, except to the extent that Life Capital has already advised that there are no documents subject to certain Requests, as set forth in the Objection and Supplemental Objection. Such production shall be made on a rolling basis to be completed by the later of: (A) 10 business days of entry of an order approving this Stipulation and entry of an order approving the stipulated protective order; or (B) February 2, 2024, subject to the entry of a court-approved stipulated protective order. LCG reserves its right to supplement its document productions to the extent that it discovers any additional responsive documents.

4. To the extent Life Capital withholds documents and raises a privilege defense, Life

Capital must produce a privilege log as follows: (a) the name and capacity of each individual from whom or to whom a document and any attachments were sent (including designating which persons are lawyers for Life Capital); (b) the date of the document and any attachments; (c) the type of document; (d) the Bates numbers of the documents; (e) the nature of the privilege asserted; and (f) a description of the subject matter of the information contained in the document in sufficient detail to determine if legal advice was sought or received or if the document constitutes attorney work product (collectively, a “Privilege Log”).

5. The Trustee expressly reserves the right to compel further discovery from any other Party, whether by the Rule 2004 Motion, other motion or by informal means, with respect to the subject matter of the Requests or any other subject matter, and the rights and defenses of Life Capital are hereby preserved.

6. Nothing in this Stipulation shall be construed to waive any rights, arguments, claims, or defenses that the Trustee or Life Capital have with respect to the Rule 2004 Motion, any of the pleadings filed in connection therewith or any future discovery.

7. This Stipulation may be executed in multiple counterparts, each of which shall be deemed an original but all of which together shall constitute one and the same instrument.

8. This Stipulation will be binding and effective upon execution of the Parties. This Stipulation may not be amended or modified without the written consent of each of the Parties. This Stipulation may be executed in counterparts by electronic transmission, each of which will be deemed an original and all of which taken together will constitute one document.

[Remainder of Page Intentionally Left Blank]

1 **IN WITNESS WHEREOF**, counsel for the Trustee and Life Capital have executed this
2 Stipulation as of the dates set forth below.

3
4 Dated: January 17, 2024

LEVENE, NEALE, BENDER, YOO & GOLUBCHIK L.L.P.

5 By: 

6 RON BENDER

BETH ANN R. YOUNG

7 KRIKOR J. MESHEFEJIAN

8 RICHARD P. STEELMAN, JR.

9 Attorneys for Life Capital Group, LLC

10 Dated: January 17, 2024

PACHULSKI STANG ZIEHL & JONES LLP

11 By: 

12 JOHN W. LUCAS

13 Counsel for Bradley D. Sharp, Chapter 11 Trustee
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PROOF OF SERVICE OF DOCUMENT

I am over the age of 18 and not a party to this bankruptcy case or adversary proceeding. My business address is:
10100 Santa Monica Boulevard, 13th Floor, Los Angeles, California 90067

A true and correct copy of the foregoing document entitled (*specify*): **STIPULATION REGARDING MOTION OF CHAPTER 11 TRUSTEE, FOR ORDER AUTHORIZING THE EXAMINATION OF LIFE CAPITAL GROUP, LLC AND ITS SUBSIDIARIES AND AFFILIATES PURSUANT TO FED. R. BANKR. P. 2004** will be served or was served **(a)** on the judge in chambers in the form and manner required by LBR 5005-2(d); and **(b)** in the manner stated below:

1. TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING (NEF): Pursuant to controlling General Orders and LBR, the foregoing document will be served by the court via NEF and hyperlink to the document. On (*date*) **January 17, 2024**, I checked the CM/ECF docket for this bankruptcy case or adversary proceeding and determined that the following persons are on the Electronic Mail Notice List to receive NEF transmission at the email addresses stated below:

☒ Service information continued on attached page

2. SERVED BY UNITED STATES MAIL: On (*date*) **January 17, 2024**, I served the following persons and/or entities at the last known addresses in this bankruptcy case or adversary proceeding by placing a true and correct copy thereof in a sealed envelope in the United States mail, first class, postage prepaid, and addressed as follows. Listing the judge here constitutes a declaration that mailing to the judge will be completed no later than 24 hours after the document is filed.

☒ Service information continued on attached page

3. SERVED BY PERSONAL DELIVERY, OVERNIGHT MAIL, FACSIMILE TRANSMISSION OR EMAIL (*state method for each person or entity served*): Pursuant to F.R.Civ.P. 5 and/or controlling LBR, on (*date*) **January 17, 2024**, I served the following persons and/or entities by personal delivery, overnight mail service, or (for those who consented in writing to such service method), by facsimile transmission and/or email as follows. Listing the judge here constitutes a declaration that personal delivery on, or overnight mail to, the judge will be completed no later than 24 hours after the document is filed.

Via Federal Express

Honorable Sandra R. Klein
United States Bankruptcy Court/Central District of
California
Edward R. Roybal Federal Building and Courthouse
255 E. Temple Street, Suite 1582 / Courtroom 1575
Los Angeles, CA 90012

Via Email:

Simon Aron on behalf of Kenneth Klein and Shoshana
Shrifa Klein: saron@wrslawyers.com;
moster@wrslawyers.com

Leslie Klein: les.kleinlaw@gmail.com;
leskleinlaw@gmail.com; kleinlaw@earthlink.net

☐ Service information continued on attached page

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

January 17, 2024
Date

Nancy H. Brown
Printed Name

/s/ Nancy H. Brown
Signature

1. TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING (NEF): Case 2:23-bk-10990-SK

- **Simon Aron** saron@wrslawyers.com, moster@wrslawyers.com
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